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2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

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5 KMI ZEOLITE, INC, and ROBERT E. FORD,
6

7 Plaintiffs,

8 vs.

9 UNITED STATES DEPARTMENT OF THE
10 INTERIOR, *et al.*,

11 Defendants.

Case no. 2:15-cv-02038-JCM-VCF

Consolidated with

Case no. 2:16-cv-00046-JCM-PAL

REPORT AND RECOMMENDATION

12 The Court previously granted Dan M. Winder, Esq. and Arnold Weinstock, Esq., Scott C. Dorman
13 and the law office of Dan M. Winder, P.C.'s motion to withdraw as counsel for ABC Recycling Industries,
14 Inc. ("ABC") and Robert Ford ("Ford"). (ECF No. 83). Because ABC has failed to obtain other counsel,
15 the Court now recommends defaulting ABC.

16 On August 31, 2017, the Court granted a motion to withdraw as counsel representing ABC and
17 Ford. (ECF No. 83). The Court noted that corporations cannot represent themselves in federal cases and
18 ordered that ABC "must retain counsel by October 2, 2017. Failure to comply with this order may result
19 in a recommendation to the District Judge for sanctions, including case-dispositive sanctions." (*Id.* at 2).
20 The Order was served on Ford, who has acted as ABC's representative in this case (*see* ECF No. 44).
21 (ECF No. 85). ABC has failed to retain counsel.

22 "Corporations and other unincorporated associations must appear in court through an attorney."
23 *In re Am. W. Airlines*, 40 F.3d 1058, 1059 (9th Cir. 1994) (per curiam). ABC has no counsel in this case.
24 In addition, "Courts have inherent power in the interest of the orderly administration of justice and under
25 Rule 41(b), FRCP, to dismiss for disobedience of its orders." *In re "Santa Barbara Like It Is Today"*

1 *Copyright Infringement Litig.*, 94 F.R.D. 105, 108 (D. Nev. 1982). The Court ordered ABC to retain
2 counsel, which it has failed to do.

3 Accordingly, and for good cause shown,


4 IT IS HEREBY RECOMMENDED that ABC be DEFAULTED in this case.

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6 **NOTICE**

7 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and
8 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk
9 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
10 may determine that an appeal has been waived due to the failure to file objections within the specified
11 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections
12 within the specified time and (2) failure to properly address and brief the objectionable issues waives the
13 right to appeal the District Court's order and/or appeal factual issues from the order of the District Court.
14 *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452,
15 454 (9th Cir. 1983).

16 Pursuant to Local Special Rule 2-2, the Plaintiff must immediately file written notification with
17 the court of any change of address. The notification must include proof of service upon each opposing
18 party of the party's attorney. **Failure to comply with this Rule may result in dismissal of the action.**
19 *See* LSR 2-2.
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22 DATED this 11th day of December, 2017.

23 
24 CAM FERENBACH
25 UNITED STATES MAGISTRATE JUDGE